

Roadside Solicitation Rules in the City Durham

Effective March 22, 2014, the City of Durham changed the rules that had been in effect since January 2013 for solicitation on streets in the city limits of Durham. This memo summarizes the rules now in effect.

For purposes of the rules, “solicitation” means asking for money or other items. “Solicitation” also means selling or offering newspapers or other items. One should keep in mind that the City rules do not affect State laws, such as State laws that make it unlawful to impede the normal movement of traffic.

1. May I solicit from motor vehicles, including cars, on streets or highways in the city?

Yes, but there are limitations.

First, solicitation from motor vehicles is prohibited on all Type A* streets. (For Types of streets, please see page 3.)

Second, for safety reasons, solicitation on Type B streets is subject to several rules:

- **The solicitor must be on a paved sidewalk, NOT a median or grassy area, when trying to get the attention of drivers.**
- **The solicitor may leave the paved sidewalk to go to a car. Transactions must be with the side of the car that is closest to the sidewalk. When the transaction is allowed on the passenger side, the solicitor may engage with a passenger or with the driver, if the driver wishes to engage through the passenger side window. When the transaction is allowed on the driver’s side, the solicitor may engage with the driver, or with any passenger who wishes to engage on the driver’s side.**
- **The transaction must be started and completed while the car is stopped at a red light or stop sign.**

Third, the diagrams on page 4 illustrate where, on Type B streets, solicitors may engage in transactions with cars. In all situations on Type B streets, the solicitor must be on a paved sidewalk when trying to get a driver’s attention.

Explanation of diagrams on page 4

- In diagram #1 (a single-lane street), solicitors may go to both sides of the car.
- In diagram #2 (a one-way street consisting of two lanes) the transaction may be with the “sidewalk side” of cars in both lanes.
- In diagram #3 (a street consisting of two lanes, with 2-way traffic) the transaction may be with the sidewalk side of cars in both lanes.
- In diagram #4 (a one-way street consisting of three lanes) the transaction may be with the sidewalk side of cars in the outer lanes but the middle lane is forbidden.
- In diagram #5 (a street with 2-way traffic – two lanes in each direction, separated by a median) the transaction may be with the sidewalk side of cars in the outer lanes but the lanes closest to the median are forbidden. As to the median itself, see question 3.

Fourth, as long as it does not impede traffic, solicitation is allowed on all Type C streets, which are often found in neighborhoods. The regulations in the ordinance do not apply to Type C streets.

2. May I walk between lanes of traffic that is already stopped to ask for money or sell newspapers?

Not if the car is on a Type B street.

3. How about medians?

No person may stand on a median (unless just pausing to get safely from one side of the road to the other). This applies to all streets, Types A, B, and C.

4. What about advertising done from a street to attract customers to a business located in a building?

This kind of advertising is not regulated by the new solicitation rules. However, the Unified Development Ordinance (UDO) prohibits such signs in the right-of-way.

5. What about political activities? How about solicitations for charities?

The solicitation rules do not apply to persons simply holding signs referring to a political matter. But solicitors asking for money or handing out brochures, regardless of why they do so, must follow the rules. Solicitors for charities are subject to the same rules as everyone else. The purpose of the rules is to promote safety of motorists and solicitors, not to help or hinder particular kinds of solicitors.

6. What other restrictions are there on Type B streets?

- No pets are allowed to accompany solicitors, unless they are service animals.
- Solicitors must wear reflective vests, kept clean and in good condition. The vest must be “Class II or Class III ANSI 107-2004” and not covered by anything.
- Solicitors may solicit only during daylight.
- Solicitors must clean up and remove their property from the site any time they leave.
- Only newspapers, magazines, or other First Amendment-protected items may be sold.
- Signs may be no larger than 2 feet in any dimension, and cannot be lighted or animated.
- Solicitations cannot be done in work zones.
- Solicitations cannot be done on a bridge.
- Solicitations cannot be done on a street or highway leading to or from a motor vehicle bridge while within 100 feet of the bridge.

7. Do I need to come to City Hall before soliciting?

Permits are no longer required for any of the above activities. However, anyone selling -- on roadways or elsewhere -- must pay the business tax (privilege license tax), which can be done on the first floor of City Hall. Those who only ask for money and are not selling do not need to pay the business tax.

8. Why were the changes made?

Safety of solicitors and motorists was the primary purpose for changes to the rules.

9. How do I report a violation?

Call the Durham Emergency Communication Center’s non-emergency number, (919) 560-4600. If there appears to be an emergency, call 911.

10. If I have questions?

More details are contained in the new revised roadway solicitation ordinance, as adopted by the Durham City Council. The entire ordinance has been made part of chapter 54 of the City Code, which can be found on the City Clerk’s web page. Most common roadway solicitation issues are addressed in sections 54-26, 54-84, and 54-86. Questions should be directed to Richard Weintraub in the Office of the City Attorney at (919) 560-4158 ext. 13242, or richard.weintraub@durhamnc.gov. If you email, please include “roadways” in the subject line. For sign ordinance questions, contact the City-County Planning Department at (919) 560-4137 ext. 28214 (Harold Smith), or ext. 28252 (Dennis Doty, CZO), or email planning@durhamnc.gov.

Type A streets. Solicitation from motor vehicles is prohibited on all Type A streets:

Interstate Highway System (prohibited either by this ordinance or by other laws)

National System of Interstate and Defense Highways (prohibited either by this ordinance or by other laws)

access ramps

Type B streets. Solicitation from motor vehicles on the streets and highways in this list is subject to the regulations in the ordinance:

controlled-access highway

frontage road

U.S. Highway

U. S. Route

street or highway that is part of the State highway system or that is a State highway

street with a speed limit of 35 miles per hour or greater

street with more than two designated vehicle travel lanes

street on which there is a median *(As to the median itself, please see question 3.)*

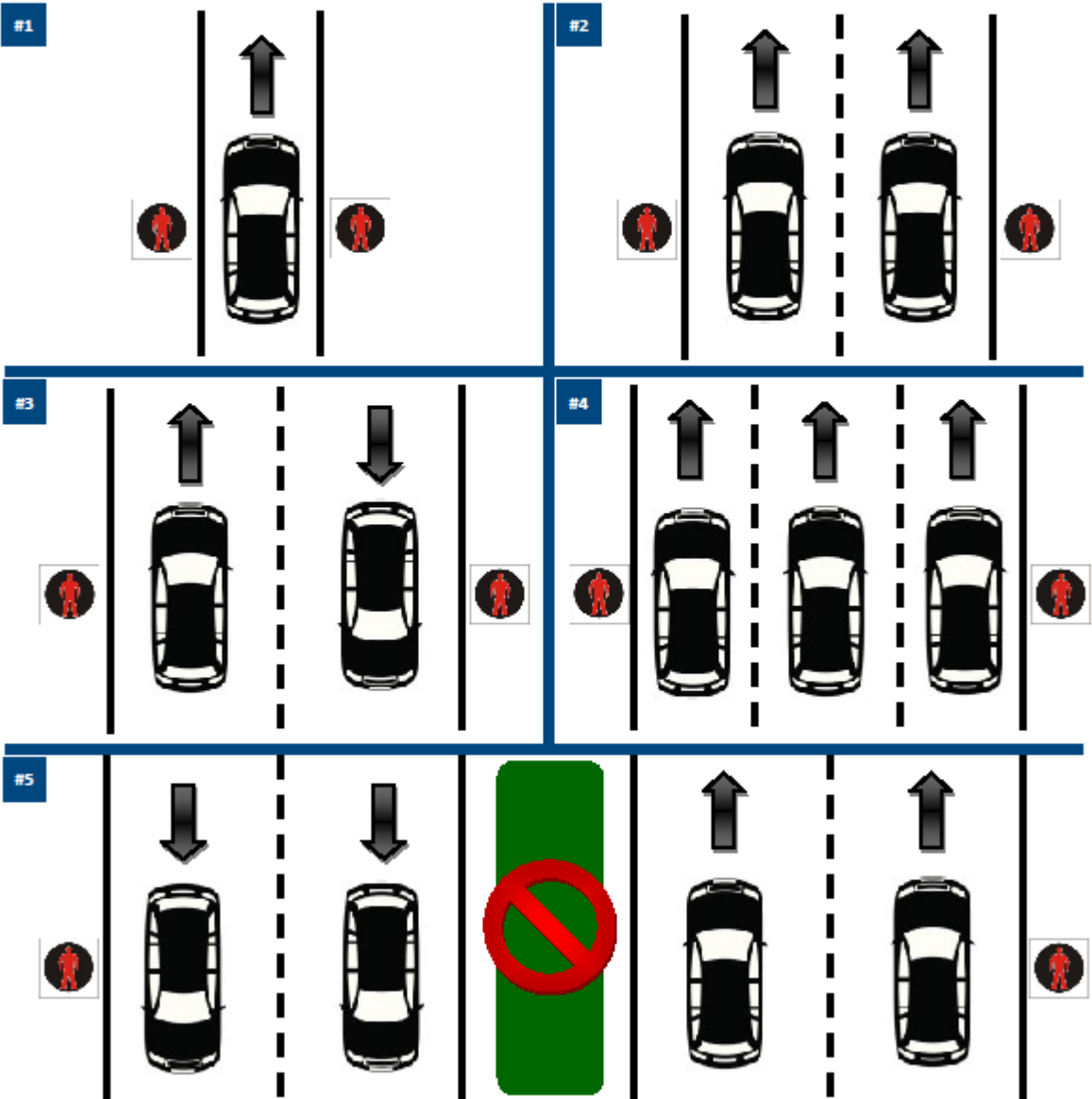
Type C streets. Solicitation from motor vehicles is not regulated by the ordinance on:

all streets and highways that are neither Type A nor Type B streets

06198t14rw

City of Durham Roadside Solicitation Diagrams

Effective March 22, 2014



For more information on the City's Roadside Solicitation Ordinance, visit the City Attorney's Web page at www.DurhamNC.gov.

Page 4 of 4

06198t14rw